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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,203	01/17/2001	Michael Ficco	PD-200295	5501

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Hughes Electronics Corporation  
Patent Docket Administration  
P.O. Box 956  
Bldg. 1, Mail Stop A109  
El Segundo, CA 90245-0956

EXAMINER
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SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/761,203

Applicant(s)

FICCO ET AL.

Examiner

SHIBRU HELEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/17/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date January 15 2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 17-18, 20, 23-25, 27-30, 32, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi (US Pat. No.6, 577, 811).

Regarding claim 1, Kikuchi discloses an apparatus for displaying the status of a digital video recording device, comprising:

a memory for storing a plurality of selectable status parameters ( see col. 17 line 66-col. 18 line 9 and col. 45 lines 8-21) indicating functionality of the digital video recording device (see col. 29 lines 19-30 and fig. 26 microcomputer block (30));

a processor for controlling a display of said plurality of status parameters (see fig. 27, 58-59, 62 and 66) based on received commands to access said memory, so as display at least a selected one of the plurality of status parameters (see col. 29 lines 19-36, col. 30 lines 23-41, col. 61 lines 19-31, col. 63 lines 10-19, and fig. 26 in microcomputer block (30) MPU).

Regarding claim 2, Kikuchi discloses the status display apparatus wherein an interface (remote control see fig. 28) enables a user to send said commands to display said selected status parameter via said processor (col. 63 lines 10-19).

Regarding claim 3, Kikuchi discloses the status display apparatus wherein said interface is selected from a remote control device, or from execution keys or buttons provided on the digital video recording device (see col. 31 lines 21-27 and in fig. 28 5tme and 5m).

Regarding claim 4, Kikuchi discloses the status display apparatus of wherein said memory and processor are contained within the digital video recording device (see col. 17 line 60-col. 18 line 9).

Regarding claim 5, Kikuchi discloses the status display apparatus wherein said processor controls display of a status menu for selection of at least one the plurality of status parameters (see fig. 27, 58-59, 62 and 66 and col. 17 line 66-col. 18 line 9) based on reception of a command to display the status menu by a user (see col. 29 lines 15-34).

Regarding claim 6, Kikuchi discloses the status display apparatus wherein the user manipulates keys of a remote control (see fig. 28 remote control) to transmit commands to said processor to display said status menu on a display device (see col. 44 lines 32-39) operatively connected to the digital video recording device, and further manipulates said remote control to graphically (menu) select a status parameter from said displayed status menu for display (see col. 44 lines 24-45).

Regarding claim 7, Kikuchi discloses the status display apparatus wherein a user manipulates designated keys or buttons of a remote control device, each designated key or button corresponding to each of said selectable plurality of status parameters (see col. 61 lines 19-29, col. 44 lines 11-19, and fig. 28 timer key (5tme) and display mode key (5dm)), and

Art Unit: 2616

wherein the manipulated key or button causes the correspondingly selected status parameter to be displayed on a display device (see fig. 26 display of DVD recording (48) and fig. 33 monitor display (6)) operatively connected to the digital video recording device (see col. 39 lines 25-28 see fig. 26 display of DVD recording (48), fig. 27 main body (200) , and fig. 33 monitor display (33)).

Regarding claim 17, Kikuchi discloses the status display apparatus wherein one of said plurality of selectable status parameters is notification indicating the approximate minutes of recording time still available while recording is in progress (see fig. 45 STEP 100 and col. 57 lines 30-39).

Regarding claim 18, Kikuchi discloses the status display apparatus wherein said notification is embodied as an out-of-disk space alert feature which is automatically displayed when the remaining available recording time equals a predetermined default value (see col. 57 lines 40-54 and col. 58 lines 3-16 and fig. 46).

Regarding claim 20, Kikuchi discloses the status display apparatus wherein said out-of-disk space alert may be set to be displayed at various levels of remaining available recording time by a user selecting and displaying a sub-menu for setting out-of-disk space alerts (see col. 58 line 60-col. 59 line 36).

Regarding claim 23, Kikuchi discloses the status display wherein one of said plurality of selectable status parameters is a notification indicating the program length of a desired program to record and the approximate minutes of recording time still available while for recording (see fig. 49 step 50 and col. 61 line 61-col. 62 line 2).

Regarding claim 24, Kikuchi discloses notification is automatically displayed prior to or at the start of recording the desired program (see col. 61 line 15-18 and fig. 49 step 50).

Regarding claim 25, Kikuchi discloses notification is displayed as text message on a display device operatively connected to the digital video recording device (see fig. 49 step 50).

Claims 27 and 32 are analyzed and rejected for the same reason as discussed in claim 1 above.

Claim 28 is analyzed and rejected for the same reason as discussed in claim 5 above.

Claim 29 is analyzed and rejected for the same reason as discussed in claim 6 above.

Claim 30 is analyzed and rejected for the same reason as discussed in claim 7 above.

Claim 33 is analyzed and rejected for the same reason as discussed in claim 4 above.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8, 19, 22, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi.

Regarding claim 8, Kikuchi discloses operational control keys provided on the DVR (see fig. 27). However Kikuchi fails to specifically teach the keys are designated to select plurality of status parameters, and wherein the manipulated key or button causes the correspondingly selected status parameter to be displayed on a display device operatively connected to the digital recording

Art Unit: 2616

device. Official notice is taken that it is well known in the art to provide keys or buttons on DVR that causes to display the status of the parameters on the display device (see col. 30 lines 52-56 and col. 31 lines 21-27). Therefore it would have been obvious to one of ordinary skill in the art to include keys or buttons on the DVR taught in Kikuchi in order to use the DVR as a control unit, rather than using only the remote control.

Regarding claim 19, Kikuchi discloses out-of-disk space alert is displayed when there are five minutes of remaining available recording time (see col. 54 lines 7-41 and col. 61 line 61-col. 62 line 2). However, Kikuchi fail to disclose out-of-disk space alert is displayed when there are thirty minutes of remaining available recording time. Official notice is taken that it is well known in the art to adjust the notification of the remaining time according to the user's interest. Therefore it would have been obvious to one of ordinary skill in the art to modify the teaching in Kikuchi by substituting the five minutes to thirty minutes in order to notify the user beforehand (see col. 54 lines 35-49).

Regarding claim 22, Kikuchi discloses out-of-disk space alert has a video component (see fig. 58). Kikuchi fail to disclose out-of-disk space alert has an audio component. Official notice is taken that it is well known in the art to incorporate video with audio component. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an audio component in the DVR of Kikuchi in order to alert the user who is away from the display device.

Claim 31 is analyzed and rejected for the same reason as discussed in claim 8 above.

5. Claim 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi in view of Parasnis (US Pat. No. 6,728,753).

Regarding claims 9 and 10, claims 9 and 10 differ from Kikuchi in that the claim further requires plurality of selectable status parameters is a current delay feature which displays how far a recording is behind a live broadcast when a signal corresponding to the live broadcast is paused, and the current delay feature is displayed as at least one of an icon, pie-chart and text message form. Kikuchi fail to disclose displaying how far a recording is behind a live broadcast when a signal corresponding to the live broadcast is paused, however Kikuchi discloses when the recording signal is suspended , the recording TV broadcast signal will be extended (see col. 52 line 42- col. 53 line 3).

In the same field of endeavor Parasnis discloses the start date/time and end date/time in a live program (see fig. 8). Parasnis further discloses when the signal is paused a text message launches indicating the delay (see col. 26 lines 57-66 and fig. 18 and 13 pause ASF stream (1260). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Kikuchi by displaying a delay feature in order to read the recorded signal at any point.

Regarding claim 11, claim 11 differ from Kikuchi in that the claim further requires plurality of selectable status parameters is a live/recorded status feature that displays whether a program being viewed is either live or recorded.

In the same field of endeavor, Parasnis discloses a live (1116 in fig. 8), on-demand (1118 in fig. 8), and live with slides (1120 in fig. 8) status feature that displays whether a program being viewed is either live, on-demand, or live with slides (see col. 17 lines 52-62) . Therefore it would have been obvious to one of ordinary skill in the art to include the live/status parameters in Kikuchi as taught by Parasnis in order to let the users know the status of the viewing programs.



Regarding claim 12, claim 12 differ from Kikuchi and Parasnis in that the claim further requires the word "LIVE" or "RECORDED" is displayed in flashing form for a finite period of time, depending on the status of the program being viewed. Official Notice is taken that it is well known in the art to provide words in flashing form to indicate the current status of the program being viewed. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of Kikuchi and Parasnis by displaying a word "LIVE" or "RECORD" in order to keep the user informed about the signal being transmitted.

6. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi in view of Fukushima and further in view of Paulus (US Pat. No.6.678.757).

Regarding claim 13, claim 13 differs from Kikuchi in that the claim further requires the status display apparatus wherein one of said plurality of selectable status parameters is a disk gas gage feature indicating how much of a mass storage device operatively connected to the digital video recording device is consumed by recorded material. Official Notice is taken that it is well known in the art to indicate how much of the mass storage device is consumed by recorded material. Therefore, it would have been obvious to one of ordinary skill in the art include disc gas gage feature indicating the amount of storage area available in order to warn the user in advance.

Claim 14 differs from Kikuchi in that the claim further requires the disc gas gage feature is displayed in at least one of icon, pie-chart and bar-graph form and indicated the percent of the mass storage device capacity is used, and/or unused. Kikuchi fails to specify that the plurality of selectable status parameters is a disk gas gage feature, however Kikuchi discloses if the user presses end key send in the remote controller, the MPU checks the remaining amount of the storage (see col. 63 lines 10-19, fig. 47 Step 138, and fig. 69).

In the same field of endeavor Paulus discloses a memory meter in the form of bar graph (see col. 4 lines 34-36). Paulus further discloses the graph indicates the remaining and available area of the memory (see col. 4 lines 36-56 and fig. 2). Therefore, in light of the teaching in Paulus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikuchi and Fukushima by providing a bar graph in order to indicate the state of a memory (see col. 1 lines 41-45 of Paulus).

Regarding claim 15, Note to the Applicant: The examiner considers the Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements. The limitation of claim 15 includes a disk gas gauge feature is displayed in an icon form. Therefore claim 15 is analyzed and rejected for the same reason as discussed in claims 13 and 21.

Regarding claim 16, Kikuchi discloses the status display apparatus wherein said mass storage device is selected from the group comprising at least a hard disk drive, a magnetic storage device and an optical storage device (see col. 8 lines 37-49, col. 46 lines 30-35, optical storage devices are magnetic).

7. Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi in view of Fukushima (US Pat. No. 6,584,272).

Regarding claim 21, claim 21 differs from Kikuchi in that the claim further requires notification indicating the approximate minutes of recording time still available is displayed as an animated icon on a display device operatively connected to the digital video recording device. However, Kikuchi does disclose the remaining time available are displayed on both DVR and the monitor

(see fig. 27 and REC TIME/ REMAIN TIME (48), fig. 45 Step 100, and fig. 58 recordable time, and col. 57 lines 30-39).

In the same field of endeavor Fukushima discloses the remaining allowable recording time displayed as a rectangular icon (see fig. 11 item (1102) and col. 13 lines 48-59). Further Fukushima discloses the remaining allowable recording time is displayed while recording is in progress (see fig. 11 REC (inside 1101) and col. 13 lines 38-44). Therefore it would have been obvious to one of ordinary skill in the art to include an animated icon in the DVR of Kikuchi showing the recording time available in order to check the available space on the disc easily at a variable rate (see col. 13 lines 56-59 of Fukushima).

Regarding claim 26, Note to the Applicant: The examiner considers the Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements. Therefore the limitation of claim 26 is analyzed and rejected for the same reason as discussed in claims 9-12 above.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIBRU, HELEN whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, NGOC Y., VU can be reached on 571 272 7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
August 8<sup>th</sup> 2005



NGOC-YEN VU  
PRIMARY EXAMINER